

REMARKS

This is in response to the Office Action dated January 12, 2009. With this response, claims 1, 9, 24 and 30 are amended and all pending claims 1-11 and 24-35 are presented for reconsideration and favorable action.

In the Office Action, claims 1-5 were rejected under 35 § U.S.C. 102 based upon Ura et al. US2003/0017383; claims 6 and 7 were rejected based upon Ura in view of Toyoda Natsuki JP2001-243927; claim 8 was rejected based upon Ura in view of Koehler EP0177225; claims 9 and 10 were rejected upon Stafford US5763118 in view of Miller et al. US5204194; claim 11 was rejected based on Stafford in view of Miller and Maggert et al. US6724170; claims 24-27 and 29 were rejected based upon Stafford in view of Miller and Pajakowski US6718425; claim 28 was rejected based upon Stafford, Miller, Pajakowski and Iwasaki et al. US6325611; claims 30-33 and 35 were rejected under 35 § U.S.C. 102 based upon Stafford in view of Miller and further in view of Kosh US2003/0046974 and claim 34 was rejected based upon Stafford in view of Miller, Kosh and further in view of Iwasaki et al. US6325611.

It is believed that the amended claims are patentably distinct from these references.

The present invention is directed to providing an enclosure for an electronic energy cell which prevents the cell from igniting an explosive environment if the cell is short circuited. The claims have been amended to better reflect this and this is not shown by the cited references.

In the amended claims, the second layer encloses the electrical energy storage cell and separates the storage cell from the explosive environment. This is not shown by the cited references. Further, the exterior temperature of the second layer which is exposed to the explosive environment is maintained at a temperature which is less than an ignition temperature of the explosive environment when an electrical storage circuit is provided across the electrical energy storage cell. This also is not shown in the cited references.

In view of the above amendments and remarks, reconsideration and favorable action are respectfully requested.

It is believed that all of the pending claims have been addressed. However, the absence of

a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /Judson K. Champlin/

Judson K. Champlin, Reg. No. 34,797
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312